

March 24, 2004

The Regular Meeting of the Rockingham County Board of Supervisors was held on Wednesday, March 24, 2004, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
CHARLES W. AHREND, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator
G. CHRIS BROWN, County Attorney
STEPHEN G. KING, Deputy County Administrator
JAMES L. ALLMENDINGER, Director of Finance
RHONDA G. HENDERSON, Director of Planning
JENNIFER M. HOOVER, Director of Public Works
WILLIAM L. VAUGHN, Director of Community Development
DOTTIE L. BOWEN, Deputy Clerk
DONALD F. KOMARA, Resident Engineer
Virginia Department of Transportation

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CALL TO ORDER
PLEDGE OF ALLEGIANCE AND INVOCATION.

Chairman Ahrend called the meeting to order at 6:00 p.m.

County Administrator Paxton led the Pledge of Allegiance, and Chairman Ahrend gave the Invocation.

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APPROVAL OF MINUTES.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the Minutes of the Regular Meeting held on March 10, 2004.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department.

Supervisor Breeden asked Mr. Komara to meet with him to look at the condition of a guardrail located on Bloomer Springs Road.

Supervisor Floyd thanked Mr. Komara for the written report concerning Route 689. He asked what Mr. Komara considered to be the major problem on that road. Mr. Komara said he believed vehicles traveling over the posted speed limit created most of the problems.

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PRESENTATION - FY2004-05 SCHOOL BUDGET REQUEST.

The Board heard a presentation by Dr. John Kidd, School Superintendent, concerning the FY2004-05 School Budget request. A public hearing on the County and School Budgets and the tax rates will be held on April 14, 2004. Dr. Kidd expressed grave concern that the School Board had to prepare a budget without knowing the amount of state funding that will be forthcoming because the State has not yet approved a budget.

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REPORT - ANALYSIS OF RADIO SYSTEM PROPOSALS - CTA, INC.

The Board heard a report from Mr. Robert Forrest, President, CTA, Inc., concerning an analysis of the proposals to provide a new radio system for the County and the City of Harrisonburg. Mr. Forrest advised that his firm has completed a technical and cost evaluation of the proposals, and that M/A Com, Inc., was rated first in both

evaluations. Based on this evaluation, the Advisory Committee appointed by the City and the County recommended that the County and City begin negotiations with M/A Com.

Supervisor Cuevas asked several questions to clarify the next step in the process to determine if the County will participate in this project. Mr. Forrest advised that the next step is to negotiate with one firm (M/A Com) to determine the negotiated price for the system. Supervisor Cuevas noted that this step would involve minimal additional direct expense and that this information is critical to make a decision on how to proceed.

Administrator Paxton noted that by authorizing this step the Board was not committing to purchase a system. This recommendation is the culmination of several years of study by the two localities, including review by three separate consultants.

He requested, should the Board desire to move forward with this next phase, that staff be authorized to work with the City staff to negotiate a contract with M/A Com to determine a fixed cost contract, evaluate various financing options to determine the cost of the project, and advertise for proposals from potential private partners in the project.

Supervisor Kyger moved to authorize staff to work with the City staff to negotiate a contract with M/A Com to determine a fixed cost contract, to evaluate various financing options to determine the cost of the project, and to advertise for proposals from potential private partners in the project.

Supervisor Cuevas seconded the motion, noting his recommendation that, until the City determines the direction it will take with regard to this project, the County take no further action to renovate the 5th floor of Harrison Plaza to construct a joint emergency communications center with the City.

The motion carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE.

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**PUBLIC HEARING - REZONING AND
OVERBROOK MASTER PLAN AMENDMENT REQUESTS.**

At 7:20 p.m. Chairman Ahrend declared the meeting open for a public hearing on the following rezoning and Overbrook Master Plan amendment requests.

RZ04-1: request of Oakdale Townhomes, LLC, c/o Dwight Shrader, 1408 Shands Trail, Harrisonburg, VA 22802, to

rezone .995 acre from R2 (Medium Density Residential) to CR3 (General Residential with Conditions) on tax parcel 125 (A) 148, and located on the south side of Fieldale Place (Route 895), approximately .2 mile west of Reservoir Street (Route 710) in Election District #3. The Comprehensive Plan designates this area as Community Development. R3 allows 10 townhouses per acre.

Mr. Shrader, owner of the property, said ten townhouses or six duplexes are options for developing the site. He noted that, since there is no road frontage, a duplex with two units could be built. Without the rezoning, he said he would be able to put only a single family house or one duplex on the site.

No opposition was expressed.

RZ04-3: request of Alan E. Strawderman, 3417 Lake Pointe Drive, Harrisonburg, to rezone 1.19 acres from R2 (Medium Density Residential) to CB1 (General Business with Conditions) on tax parcels 95D (1) 12 and 13, and located on the east side of North Valley Pike (Route 11), approximately 3 miles south of I-81, Exit 251, in Election District #2. The Comprehensive Plan designates this area as Non-Intensive Agriculture.

John Crist, representing the applicant, explained that the applicant proffered to delete high traffic areas and those items that would be consistent with the recommendations of the Virginia Department of Transportation. He pointed out that the property has been in commercial use for many years. He noted that a survey of the property showed that a road used by the church is located on the property, and he assured the Board that the applicant would not prevent this use.

No opposition was expressed.

RZ04-4: request of Great Eastern Resort Corporation (Woodstone Meadows), c/o Peak Construction, 3779 Palmer Road, Massanutten, to rezone 12.135 acres from A2 (General Agricultural) and R5 (Planned Residential, but not presently part of a Master Plan) to R5 (Planned Residential) and to add this acreage to the Woodstone Meadows Master Plan. The acreage is comprised of tax parcel 128D1 (2) A and a portion of 129 (A) 16A. Tax parcel 128D1 (2) A is located north of Resort Drive (Route 644) and immediately west of Red Cedar Lane. The portion of tax parcel 129 (A) 16A is located west of Bloomer Springs Road (Route 646) and approximately .25 mile south of Resort Drive (Route 644). Both parcels

are in Election District #5. The Comprehensive Plan designates these sites as Community Development and Non-Intensive Agriculture. R5 allows 8 dwelling units per gross acre, but neither parcel is proposed for dwelling units. The Master Plan layout is on file.

Ray Nicely, Valley Engineering, represented the applicant. He said the request would provide horseback riding trails for the time-share owners and guests. He advised that the unused poultry houses would be used for open space, storage, an activity center and a maintenance facility. He noted that Great Eastern would work with an interested group to put a memorial monument at the site of an old school building that was once on the property.

David Cooley expressed concern about a drainage problem that brings water and gravel across the road and onto Red Cedar Lane, creating a traffic hazard.

Mr. Nicely said he would ask the developer to have the road paved.

MP04-1, request of Ray Nicely, Valley Engineering, 3231 Peoples Drive, Harrisonburg, to amend the Overbrook Master Plan by revising the year in which lots may be recorded from the calendar year January 1 to December 31 to a year beginning April 1 and ending March 31. Overbrook is located on the south side of McGaheysville Road (Route 996), approximately .35 mile west of Power Dam Road (Route 651) in Election District #5, on a portion of tax parcel 141 (A) 137. The Comprehensive Plan designates this area as Community Development and Intensive Agriculture. R5 allows 8 dwelling units per gross acre, however Overbrook Master Plan remains unchanged at 1.68 units per gross acre. The Master Plan layout is on file.

Mr. Nicely said the developer needed to have the project scheduled in such a way that he could have a contractor do the first 18 lots and then move directly into the infrastructure for the second 18 lots without coming back to the County. He noted that the request does not change anything about the development. He asked the Board to table the request and take action at a later date.

Mr. Brown advised that a "couple of little changes on the Master Plan" could be submitted to the Planning Commission to decide if they would be considered as a "substantial change."

No opposition was expressed.

At 8:00 p.m., Chairman Ahrend closed the public hearing and called the regular meeting back to order.

On motion by Supervisor Floyd , seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following proffers, the Board approved RZ04-1: request of Oakdale Townhomes, LLC, c/o Dwight Shrader, 1408 Shands Trail, Harrisonburg, VA 22802, to rezone .995 acre from R2 (Medium Density Residential) to CR3 (General Residential with Conditions) on tax parcel 125 (A) 148, and located on the south side of Fieldale Place (Route 895), approximately .2 mile west of Reservoir Street (Route 710) in Election District #3.

1. Land use will be restricted to residential development.
2. All development requiring water service and sewage disposal shall be connected to and serviced by Rockingham County water and sewer systems.
3. No mobile homes, house trailers, or doublewide manufactured homes shall be constructed or placed on the property.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following proffers, the Board approved RZ04-3: request of Alan E. Strawderman, 3417 Lake Pointe Drive, Harrisonburg, to rezone 1.19 acres from R2 (Medium Density Residential) to CB1 (General Business with Conditions) on tax parcels 95D (1) 12 and 13, and located on the east side of North Valley Pike (Route 11), approximately 3 miles south of I-81, Exit 251, in Election District #2.

- 1) All buildings, current or future, will be connected to and serviced by County water and sewer as same become available to the property;
- 2) It is my understanding that because of lack of sight distance to North Valley Pike, VDOT has concerns about the use of a rezoned parcel. For that reason if the rezoning is granted, I would agree to those Permitted Uses under Sec. 17-91 of the Rockingham County Code which are consistent with VDOT's report and would not result in a high traffic flow on the rezoned property. Those Permitted Uses which could clearly be deleted (and their paragraph no. under the current Ordinance) and removed from consideration are listed below. I understand that any use would be subject to VDOT review:

- (c) Bakery;
- (d) General country or convenience store;

- (e) Seed or feed store;
- (f) Retail businesses as listed with the possible exception of (5)a second hand clothing store;
- (g) Bicycle, sports equipment or motorcycle store;
- (h) Shopping mall;
- (i) Catalog sales;
- (j) Bus station;
- (k) Building, plumbing or electrical supply or sales;
- (l) Bank, savings and loan or other financial office;
- (m) Horticultural or agricultural use as listed;
- (n) Fruit packing plant;
- (o) Community and recreational uses as listed;
- (p) Schools as listed;
- (q) Automotive enterprises as listed with the possible exception of (6) repair or servicing of lawnmowers or small engines;
- (r) Service enterprises as listed with the possible exceptions of (2) cabinet, furniture, woodworking or upholstery shop or (6) repair or servicing;
- (s) Church or other house of worship with the possible exception of use by the adjoining church;
- (t) Food establishments as listed;
- (x) Health services and facilities as listed;
- (y) Rehabilitation services;
- (z) Radio or television activities;
- (ab) Police, fire or rescue station;
- (ac) Governmental, administrative or service building;
- (ad) Sale of travel trailers, manufactured homes or campers;
- (ae)Hotel or motel;
- (af) Public utilities;
- (ah) Water filling station; and
- (ai) Water hauling.

- 3) The right is reserved to seek a Special Use Permit for any uses so allowed under Sec. 17-92 which is consistent with VDOT specifications.

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved RZ04-4, request of Great Eastern Resort Corporation (Woodstone Meadows), c/o Peak Construction, 3779 Palmer Road, Massanutten, to rezone 12.135 acres from A2 (General Agricultural) and R5 (Planned Residential, but not presently part of a Master Plan) to R5 (Planned Residential) and to add this acreage to the Woodstone Meadows Master Plan. The acreage is comprised of tax parcel 128D1 (2) A and a portion of 129 (A) 16A. Tax parcel 128D1 (2) A is located north of Resort Drive (Route 644) and immediately west of Red Cedar Lane. The portion of tax parcel 129 (A) 16A is located west of Bloomer Springs Road (Route 646) and approximately .25 mile south of Resort Drive (Route 644). Both parcels are in Election District #5. The Comprehensive Plan designates these sites as Community Development and Non-Intensive Agriculture. R5 allows 8 dwelling units per gross acre, but neither parcel is proposed for dwelling units.

NARRATIVE STATEMENT

WOODSTONE MEADOWS MASTER PLAN

GREAT EASTERN RESORT CORPORATION

DECEMBER 22, 2003
Revised February 23, 2004
Revised February 27, 2004
Revised March 16, 2004

Woodstone Meadows has become an increasingly important factor in the continuing success of Massanutten Resort in recent years.

Owned, developed and operated by Great Eastern Resort Corporation, Woodstone Meadows represents the primary focus for the expansion of time-share development at Massanutten Village.

Prior to approval of the existing Master Plan, Great Eastern had improved the Woodstone project with a multi-million dollar clubhouse building, indoor swimming pool, outdoor pool, tennis courts, basketball and volleyball courts, and an executive nine-hole golf course and pro-shop, all with related parking and landscaping.

Major improvements have continued, as approved through several master plan amendments, since Woodstone was acquired by Great Eastern. An additional nine-hole golf course has opened, making the Woodstone course a full eighteen-hole course. A golf cart storage shed was added to the pro shop and a new maintenance building was constructed for the course.

A new general store and facilities for crafts and activities has opened, and related additional parking areas have been constructed.

Most notable of all new improvements at Woodstone Meadows is the new wastewater treatment plant. The first stage of the state-of-the-art plant is now in operation, more than doubling the former capacity. The sewage treatment plant, operated by Massanutten Public Service Corporation, provides service to the entire Massanutten Village community.

There are now 208 time share units completed and 63 additional units approved for construction at Woodstone Meadows.

PROJECT CHARACTER AND OBJECTIVES

The intent of this application is to enhance the continuation of timeshare development at Woodstone Meadows with several minor additions to the existing Master Plan.

The first is the addition of 11.719 acres. Great Eastern has acquired two parcels; 6.070 acres from Woodstone Meadows Stables, L.L.C. and 5.649 acres from Ronald G. and Eugenia L. Nelson. These parcels have been combined, by the adjacent transfer process, to become one parcel.

This eleven-acre tract is the primary focus of the Master Plan amendment request. The stable area will become a part of Woodstone and will continue to provide horseback riding as one of the popular activities available to timeshare guests. The stable area is currently zoned R-5, as a part of the original Woodstone Meadows rezoning.

The former Nelson portion, 5.649 acres, is presently zoned A-2 and will be rezoned to R-5 through approval of this amendment. There are three existing poultry houses and one equipment shed on this tract. The poultry houses will be renovated for use as a maintenance facility, storage space, an activities center and administrative offices. These new service areas will represent a relocation of existing facilities and an expansion of services needed for the continuation of development at Woodstone Meadows.

One of the poultry houses will have an area of approximately 12,000 square feet reserved for a future activities center for time-share guests. The activities center will

provide classes and activities, such as candle making or exercise classes, which are now conducted in the general store at Woodstone.

The activities center is being included in this Master Plan amendment request to avoid a future amendment approval process only for the purpose of moving some of the activities from the general store to the Nelson site, when the need arises. The schedule for opening the activities area in the poultry house will be dictated by the need to expand this service, based on the increase of time-share guests participating.

The existing equipment shed will be used for storing chemicals, such as salt and chips for roadway snow and ice control, and equipment for road maintenance, primarily at Woodstone Meadows. There will be no hazardous materials storage.

Water and sewer services for the new facilities will be provided by connecting to the existing MPSC systems.

Access to the stable area and the Nelson Tract will be over the existing stable road. The road is currently surface treated and will continue to be maintained in a dust free condition.

The second new addition to the Master Plan is the result of an adjacent transfer with the Thelma A. Hensley Life Estate. Great Eastern and Mrs. Hensley have traded equal amounts of land to rearrange the common line between them and to change the former 'L' shaped properties into more useable rectangles. The 0.416-acre parcel added to the Master Plan will be designated as permanent open space.

There is no proposed change in the number of time-share units allowed on the master plan. Overall gross density will remain at less than half of the overall allowed R-5 density.

Recreational and commercial facilities shown on the current master plan, along with open space and landscaping, continue to be a part of the amended plan with no changes.

Great Eastern plans to supplement activities and services for Woodstone Meadows, as well as the entire resort, with the recreational and commercial development of other adjacent land in the near future.

The character of the revised Master Plan is best described as an expansion or extension of the existing development at Woodstone Meadows.

TIMESHARE DEVELOPMENT

For the immediate future timeshare construction is expected to continue at approximately the same rate as the previous two years, 50 to 100 units developed annually. Units will continue to be sold as four bedroom units except those specifically constructed as two-bedroom units, with appropriate fire rated separation.

WATER AND SEWER

Water and sewer services for Woodstone Meadows are provided by expansion of the Massanutten Public Service Corporation systems. All lines, pump stations, treatment facilities and other components of the systems are owned and maintained by MPSC.

MPSC has recently added several new wells and constructed a water filtration plant to increase the capacity of the water system. According to MPSC these additions will provide adequate water capacity for future needs, including fire flow capacity. Plans are also underway, by MPSC, to improve the Woodstone Meadows water system with an additional storage tank.

The new wastewater treatment plant, which has increased capacity to 1,500,000 GPD and has the ability to increase to over two million GPD with a future expansion, has been constructed within the land area shown on the Master Plan.

LAND AREA SALES AND LEASING

The only sales anticipated are of time-share units, subject to the Virginia Timeshare Act, and the transfer of the wastewater treatment plant expansion site to Massanutten Public Service Corporation.

The riding stable will continue to provide horseback trail rides through a lease agreement with the current operator.

Great Eastern Resort Management, a subsidiary of Great Eastern Resort Corporation, will operate some commercial or service facilities, such as the restaurant in the Woodstone Clubhouse.

STREETS AND PEDESTRIAN CIRCULATION

Internal streets and roads will be privately owned and maintained by Great Eastern.

As in the past, a strip of land twenty-five feet wide, parallel with and adjacent to the existing centerline of Route 646 will be reserved for dedication for the widening of the Route 646 right-of-way along the southern border of the 0.417-Acre parcel to be rezoned and added to the Master Plan by this amendment request.

Sidewalks and walkways have been provided in the area of the main clubhouse, the golf pro shop and the general store at Woodstone Meadows. Pedestrian circulation routes in the time-share development areas coincide with the street system. Streets throughout the development have been constructed with eight-foot wide shoulders to accommodate pedestrians. Pedestrian travel has been minimal in the Woodstone time-share development. If a greater need dictates, improvements, such as designated walkways will be added along the streets.

STORM WATER DRAINAGE PLAN

Drainage and storm water management for future development at Woodstone Meadows will continue to be addressed in a manner similar to the existing development, using protected ditches, culverts and detention ponds as required, based on actual circumstances at the time of final plan and site plan preparation.

The future storm water management plan shall conform to the requirements of all applicable federal, state and local regulations. Erosion and sediment control plans shall be provided for all construction, in accordance with the requirements of the latest edition of the Virginia Erosion & Sediment Control Handbook.

GENERAL

Timeshare development at Massanutten Resort, particularly at Woodstone Meadows, promises to be an important element in the continued success of the total project. In conjunction with other planned Great Eastern projects scheduled for the near future and focusing on services and amenities, Woodstone Meadows is the key to the continuation of the prosperity and benefits shared with the entire Rockingham County community.

On motion by Supervisor Breeden, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board tabled MP04-1, request of Ray Nicely, Valley Engineering, 3231 Peoples Drive, Harrisonburg, to amend the Overbrook Master Plan by revising the year in which lots may be recorded from the calendar year January 1 to December 31 to a year beginning April 1 and ending March 31. Overbrook is located on the south side of McGaheysville Road (Route 996), approximately .35 mile west of Power Dam Road (Route 651) in Election District #5, on a portion of tax parcel 141 (A) 137. The Comprehensive Plan designates this area as Community Development and Intensive Agriculture. R5 allows 8

dwelling units per gross acre; however, Overbrook Master Plan remains unchanged at 1.68 units per gross acre. The Master Plan layout is on file.

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REQUEST TO EMPLOY JAIL PHYSICIAN.

Administrator Paxton advised that the Board action requested would be to allow the County to hire the existing jail physician, Dr. Thomas Berdeen, who is retiring at the end of the month, to become a part-time employee for the County in order for him to continue to provide those services. He pointed out that, once Dr. Berdeen has left Southern Health (the County's Health Insurance provider), there would be a potential for claims to be filed against him. He noted, however, that Southern Health has agreed to hold the County harmless from those claims. He explained that Dr. Berdeen would be under the Sheriff's supervision but would be an employee of the County.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board agreed to hire Dr. Thomas Berdeen (at an annual salary of \$25,000) as the part-time jail physician and to add Dr. Berdeen to the County's insurance coverage for medical malpractice coverage, effective April 1, 2004.

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OPPOSITION TO PROPOSED FDA BAN ON FEEDING POULTRY LITTER TO RUMINANT ANIMALS.

As requested by the Rockingham County Farm Bureau, on motion by Supervisor Kyger, seconded by Supervisor Breeden and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board agreed to oppose a proposed United States Food and Drug Administration ban on feeding poultry litter to ruminant animals.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Paxton's staff report dated March 19, 2004, including information concerning the Technology & Industrial Park, State Code requirements regarding budget adoption and setting of tax rates, the proposed City/County emergency radio system, and application for a VRA loan for the Lakewood project.

On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by Engineering Concepts, Inc., the County's engineering consultant, the Board agreed to engage the firm of Gray & Pape, Inc., to conduct a phase 1A Cultural Resources Assessment for the County's Technology & Industrial Park at a cost not to exceed \$5,000, to be funded from the Economic Development budget.

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COUNTY ATTORNEY'S STAFF REPORT.

The Board received and reviewed Mr. Brown's staff report dated March 19, 2004, concerning joint exercise of powers among Rockingham, Harrisonburg, Staunton, Waynesboro, and Augusta; tax collection matters; the Freedom of Information Act.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following ordinance and agreement, and authorized the County Administrator to execute on behalf of the County.

AN ORDINANCE TO ADOPT AND APPROVE A JOINT EXERCISE OF POWERS AGREEMENT BETWEEN THE CITY OF HARRISONBURG, VIRGINIA; THE CITY OF STAUNTON, VIRGINIA; THE CITY OF WAYNESBORO, VIRGINIA; AUGUSTA COUNTY, VIRGINIA; AND ROCKINGHAM COUNTY, VIRGINIA.

BE IT ORDAINED by the Board of Supervisors of Rockingham County, Virginia, that, pursuant to Virginia Code Section 15.2-1300, a Testing Coordination Agreement between the City of Harrisonburg, Virginia; the City of Staunton, Virginia; the City of Waynesboro, Virginia; Augusta County, Virginia; and Rockingham County, Virginia is hereby approved.

This Ordinance shall be effective immediately.

THIS TESTING COORDINATION AGREEMENT is made as of the 1st day of March 2004, by and among **AUGUSTA COUNTY, VIRGINIA; ROCKINGHAM COUNTY, VIRGINIA; CITY OF HARRISONBURG, VIRGINIA; CITY OF STAUNTON, VIRGINIA; and CITY OF WAYNESBORO, VIRGINIA** (each referred to herein as a "Locality," and collectively referred to herein as the "Localities").

RECITALS:

A. Each of the Localities employs firefighters and emergency medical services personnel. As part of the hiring procedure for the firefighter/emergency medical services positions, each of the Localities conducts written examinations and physical agility tests, and applicants often test in more than one Locality.

B. The Localities recognize that there would be significant savings of cost and time for the Localities and for applicants if the Localities conduct a joint testing program twice a year.

Therefore, the Localities, as a joint exercise of their respective powers under Virginia Code § 15.2-1300, agree as follows:

AGREEMENT:

1. The purpose of this Agreement is to establish a joint testing program for the positions of firefighter and emergency medical services personnel. The Localities jointly shall conduct a testing program for such positions twice a year, such testing to include both written examinations and physical agility tests.

2. The Localities shall form a Program Committee, which shall be comprised of two representatives appointed by the chief administrator officer of each Locality. Each member of the Program Committee shall have one vote. Decisions of the Program Committee shall be made by majority vote. The Program Committee shall determine the timing, location, and other details of each joint testing program, including setting the basic criteria an applicant must meet in order to participate in the testing.

3. On or before March 15 of each year during the term of this Agreement, the Program Committee shall develop and deliver to the chief administrative officer of each Locality a proposed budget for the joint testing programs to be conducted during the next fiscal year. The financial obligations of each Locality under this Agreement shall be subject to appropriations by the governing body of such Locality. Should the governing body of any such Locality fail to appropriate any necessary funding, the governing body may do so without incurring any penalty, liability or costs. Each Locality agrees, however, that its chief administrative officer will include such funding in the budget proposed to such Locality's governing body for the next fiscal year.

4. Each Locality shall be responsible for one-fifth (1/5) of the costs of conducting each such testing program and agrees to pay the fiscal agent of record, as agreed to by the Localities, the Locality's share of such costs. Payment shall be made in a timely manner, but in no event less than thirty (30) calendar days after completion of each testing program. The initial fiscal agent shall be the City of Waynesboro.

5. Each of the Localities shall provide the number of qualified personnel necessary to staff the testing site as determined by the Program Committee in order to effectively and efficiently operate the test sites and conduct the testing. Each Locality shall be responsible for its own personnel costs associated with the testing.

6. Results of each testing program shall be made available to the Human Resources Department or Personnel Office of each Locality. Each Locality shall retain complete independence and discretion in determining qualifications of applicants and hiring policies. Furthermore, each Locality shall independently determine the

applicability to such Locality of any laws which require the confidentiality of test results or which address the disclosure of such results.

7. The term of this Agreement shall be five (5) years from the date of this Agreement. Any Locality may withdraw from this Agreement prior to the expiration of its term by providing written notice to the other Localities at least one hundred and eighty (180) days prior to the next scheduled testing date and shall be responsible for its share of costs incurred through the termination date.

8. Upon expiration or mutual termination of this Agreement, any property purchased and used jointly by the Localities shall be divided equally among the Localities.

9. Each Locality shall be responsible for maintaining liability, workers' compensation, and any other insurance covering its participation in this Agreement and the testing programs in amounts determined by such Locality. Each Locality shall be responsible for its own deductibles, premiums, co-payments, or other payments related to such insurance.

10. This Agreement shall be construed in accordance with the laws of the Commonwealth of Virginia.

11. All notices required or permitted under this Agreement shall be deemed delivered when delivered in person or by mail, postage prepaid, addressed to the Human Resources Director or Personnel Manager of the appropriate Locality.

12. The Localities shall not assign any interest in this Agreement.

13. This Agreement constitutes the entire agreement among the Localities. No modification or amendment of this Agreement shall be effective unless in writing and signed by all of the Localities. This Agreement replaces any and all prior agreements between the Localities on this subject.

14. This Agreement shall be effective from the date of its approval by all of the Localities, in accordance with the provisions of Virginia Code § 15.2-1300.

COUNTY OF AUGUSTA OF THE COMMONWEALTH OF VIRGINIA

County Administrator

CITY OF HARRISONBURG OF THE COMMONWEALTH OF VIRGINIA

City Manager

COUNTY OF ROCKINGHAM OF THE COMMONWEALTH OF VIRGINIA

County Administrator

CITY OF STAUNTON OF THE COMMONWEALTH OF VIRGINIA

City Manager

CITY OF WAYNESBORO OF THE COMMONWEALTH OF VIRGINIA

City Manager

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FINANCE DIRECTOR’S STAFF REPORT.

Mr. Allmendinger provided documentation for an amendment to the FY 2003-04 School Budget to appropriate funds received primarily from federal and state grants for education. A public hearing on this matter was held on March 10, 2004.

Supervisor Cuevas moved and Supervisor Floyd seconded to adopt the budget amendment as proposed.

Supervisor Kyger made the following statement.

- 1. TRANSACTION INVOLVED: Consideration and adoption of a budget amendment, related matters such as tax rates, and other issues concerning schools.
- 2. NATURE OF PERSONAL INTEREST IN THE TRANSACTION: I am an employee of the Rockingham County School Board. Therefore, I am affected by this Board's decisions concerning school funding and similar issues.
- 3. As a teacher, I am a member of an occupation the members of which are affected by the transaction specified in paragraph 1.
- 4. I am able to participate in the transactions fairly, objectively, and in the public interest.

The motion to adopt the following budget amendment carried by a vote of 5 to 0, voting recorded as follows:
AHREND – AYE; BREEDEN – AYE; CUEVAS – AYE; FLOYD – AYE; KYGER – AYE.

AMENDMENT TO FY2003-2004 BUDGET

Revenues:

School Fund	
Miscellaneous Local Revenue	\$ 127,000
Revenue from the State	\$ 195,000
Revenue from the Federal Government	<u>\$1,019,675</u>
	\$1,341,675

Expenditures:

School Fund	
Instruction	\$1,286,675
Transportation	<u>\$ 55,000</u>
	\$1,341,675

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PUBLIC WORKS DIRECTOR’S STAFF REPORT.

The Board received and reviewed Ms. Hoover’s staff report dated March 19, 2004, including information concerning progress on the sewer project for Route 11 North; Lilly Gardens; Countryside water system; Penn Laird Drive and Water Tower Road sewer; Lakewood/Massanetta Springs pump station, Spotswood High School waterline extension, Wal-Mart water and sewer project, Three Springs back-up power, and the Grottoes Container Site.

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COMMUNITY DEVELOPMENT DIRECTOR’S STAFF REPORT.

The Board received and reviewed Mr. Vaughn’s staff report dated March 19, 2004, including information concerning the McGaheysville Plan, wind energy, draft Subdivision Ordinance, priority projects underway, tabled requests, and upcoming requests.

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COMMITTEE REPORTS.

The Board heard Committee reports by Board members and staff.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND – AYE; BREEDEN – AYE; CUEVAS – AYE; FLOYD – AYE; KYGER – AYE; as recommended by the Building & Grounds Committee, the Board approved the request of the Fraternal Order of Police to install four memorial plaques in the General District Courts Building, and approved the request of the Harrisonburg Downtown Renaissance and Harrisonburg Rockingham Convention & Visitors Bureau to install a Civil War interpretive sign on the Court House property.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND – AYE; BREEDEN – AYE; CUEVAS – AYE; FLOYD –

AYE; KYGER - AYE; as recommended by the Finance Committee, the Board approved a supplemental appropriation of \$15,000 to 001-7104 from the Reserve, for the Recreation and Facilities Department to be used for light improvements in the Elkton area.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Public Works Committee, the Board:

- Authorized Annual Clean-Up Week from April 19 through April 24, during which time the landfill will accept clean-up waste from County residents at no charge (including demolition debris, yard waste, remodeling debris, and furniture) as well as up to 10 tires per household.
- Accepted the proposal of Peed & Bortz, in the amount of \$7,420, for developing standards and specifications documents for use on public water projects for materials and construction such as pipe, valves, meters, hydrants, casing, valves, etc.; such standards would require developers to install what the County specifies and would allow smaller projects to be reviewed by the County instead of the Virginia Department of Health. Funds to come from the water and wastewater distribution budget.
- Accepted the proposal from Peed & Bortz, in the amount of \$7,280, for developing a standards and specifications documents for use on public sewer projects for materials and construction such as pipe, manholes, valves, vaults, casing, general pump station requirements, etc.; such standards would require developers to install what the County specifies and would allow smaller projects to be reviewed by the County instead of the Virginia Department of Health. Funds to come from water and wastewater distribution budget.

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CLOSED MEETING.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by the following vote: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; and KYGER - AYE; the Board recessed the meeting from 8:28 to 8:40 p.m. to discuss economic development, as set forth by Virginia Code Section 2.2-3771(A) (5).

At 8:40 p.m., Chairman Ahrend called the meeting back to order and the following motion was adopted.

MOTION: SUPERVISOR KYGER RESOLUTION NO: X04-03
SECOND: SUPERVISOR FLOYD MEETING DATE: MARCH 24, 2004

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:

AYES: AHREND, BREEDEN, CUEVAS, FLOYD, KYGER

NAYS: NONE

ABSENT: NONE

Dottie L. Bowen, Deputy Clerk

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INFORMATION ITEMS.

The Board received the following Information Items from the County Administrator:

- a. Letter dated March 16, 2004, from Town of Timberville regarding meeting with DEQ on sewer system.
- b. Letter dated March 15, 2004, from the Northern Shenandoah Valley Regional Commission regarding Shenandoah Valley Watersheds Assessment Local Officials Briefing.
- c. "Facts and Figures" publication from CSPDC.

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 8:41 p.m.

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Chairman